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26 Geo. II - c. 44 -

An ACT to Dissolve the Marriage of Samuel Low, Esquire, with Elizabeth Rogers his now Wife; and to Enable him to marry again; and for other Purposes therein mentioned.

HUMBLY Sheweth, and Complaineth, to Your most Excellent MAJESTY, Your true and faithful Subject Samuel Low, Esquire;

THAT Your said Subject, in or about the Month of June One thousand Seven hundred and Forty, did, in the Parish-Church of Saint Mary Le Strand, in the County of Middlesex, intermarry with Elizabeth Rogers, Spinster, Daughter and only Child of Juliana Rogers, of the Town and County of Kingston upon Hull, Widow:

THAT the said Elizabeth, Your Subject's said Wife, in the Month of June in the Year One thousand Seven hundred and Forty-four, entered into an unlawful Familiarity, and criminal Conversation, with one Richard Low; and eloped with him from Your Subject's House, in the Night-time; and carried away with her her Jewels and Cloaths; and lived with him in an adulterous Manner for some time: And afterwards the said Elizabeth, Your Subject's said Wife, entered into, and carried on, the like unlawful Familiarity, and adulterous Conversation, with one John Cullen, a Lieutenant in a Regiment on the Irish Establishment; and now lives and cohabits with him in open Adultery:

THAT Your Subject, from the time Your Subject's said Wife eloped from Your Subject in June One thousand Seven hundred and Forty-four, to this time, never cohabited, or ever had any Intercourse, with her:

THAT Your Subject, upon the Twentieth Day of February One thousand Seven hundred and Fifty-three, did obtain, in the Consistory-Court of the Bishop of London, a definitive Sentence of Divoree from Bed, Board, and mutual Cohabitation, against the said Elizabeth his Wife, for Adultery with the said Richard Low and John Cullen:

THAT

THAT Your Subject hath no Issue living by his said Wife :

THAT as Your Subject's said Wife hath, by her adulterous Behaviour, dissolved the Bond of Marriage on her Part ; and Your Subject stands deprived of the Comforts of Matrimony, and may be exposed to have spurious Issue to succeed him in such Estates and Effects as he now is or may become intitled unto, unless the said Marriage be declared void, and annulled by Parliament :

May it therefore please Your most Excellent MAJESTY,

(out of Your Princely Goodness and Compassion to Your said Subject's Misfortune and Calamity), That it may be **Enacted**; **And be it Enacted**, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Bond of Matrimony, being violated and broken by the manifest and open Adultery of the said *Elizabeth*, be, and is from henceforth, wholly dissolved, annulled, vacated, and made void, to all Intents, Constructions, and Purposes whatsoever ; and that it shall and may be lawful to and for the said *Samuel Low*, at any time or times hereafter, to contract Matrimony, and to marry, as well in the Life-time of the said *Elizabeth* as if she were naturally dead, with any other Woman or Women, with whom he might lawfully marry, in case the said *Elizabeth* was not living ; and that such Matrimony, when had and celebrated, shall be a good, just, and lawful Marriage and Marriages, and so shall be adjudged, deemed, and taken, to all Intents, Constructions, and Purposes ; and that all and every Child and Children, born in such Matrimony, shall be deemed, adjudged, and taken, to be born in Wedlock, and be legitimate, and inheritable to, and shall inherit, the Lands, Tenements, and Hereditaments, of the said *Samuel Low*, and all other Lands, Tenements, and Hereditaments, from and by their Father's, Mother's, and other Ancestors, in like Manner and Form as any other Child or Children, born in lawful Matrimony, shall or may inherit, or be inheritable unto, according to the Course of Inheritances used in this Realm, or in any of his Majesty's Dominions thereunto belonging ; and to have and enjoy all Privileges, Pre-eminences, Benefits, Advantages, Claims, and Demands, in as full and ample manner as any other Child or Children, born in lawful Wedlock, may have or claim by the Laws or Customs of this Realm, or any of his Majesty's Dominions thereunto belonging.

And be it further Enacted, That the said *Samuel Low* shall be intitled to be Tenant by the Courtesy of the Lands and Inheritances of such Wife or Wives as he shall so marry ; and such Wife or Wives as he shall so marry, shall be intitled to Dower of the Lands and Tenements whereof the said *Samuel Low* shall be seised, of such Estate whereof she or they shall be dowable, as any other Husband or Wife respectively may or might claim, have, or enjoy ; and the Child or Children, born in such Marriage or Marriages, shall and may derive, and make Title, by Descent or otherwise, to and from any of their Ancestors, as any other Child or Children may do ; any Law,

Law, Statute, Restraint, Prohibition, Ordinance, Canon, Constitution, Prescription, or Custom, had, made, executed, or used, to the contrary of the Premises, or any of them, in any-wise notwithstanding.

And be it further Enacted and Declared, by the Authority aforesaid, That all and every Child or Children, as well Male as Female, which, at any time since the last Day of *June* One thousand Seven hundred and Forty-five, have or hath been born of the Body of the said *Elizabeth*, the Wife of the said *Samuel Low* (if any such there be), are Bastards, and spurious Issue, and not the lawful Issue of the said *Samuel Low* on the Body of the said *Elizabeth* his Wife begotten; and that no such Child, so born since the said last Day of *June* One thousand Seven hundred and Forty-five, nor any other Child or Children which hereafter shall be born of the Body of the said *Elizabeth*, now Wife of the said *Samuel Low*, shall be deemed, taken, or reputed, to be the lawful Issue of the said *Samuel Low* on the Body of said *Elizabeth* begotten.

And be it further Enacted, by the Authority aforesaid, That the said *Elizabeth* shall be, and is hereby, barred and excluded of and from all Dower and Thirds, and of and from all Right and Title of Dower and Thirds, or other Claim or Demand in, to, or out of, the Lands, Tenements, or Hereditaments, of the said *Samuel Low*.

Provided, That nothing in this Act contained shall extend, or be construed to extend, to vacate or destroy any Provision, Estate, or Interest, made for the Maintenance, Support, or Benefit, of the said *Elizabeth*, by any Deed or Writing entered into by and between the said *Samuel Low* and the said *Elizabeth* his Wife, for that Purpose.

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